



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 16 2016

Mr. Michael G. Ciaravino
City Manager
City of Newburgh
83 Broadway
Newburgh, N.Y. 12550

Dear Mr. Ciaravino:

Thank you for your letter of September 7, 2016 to the U.S. Environmental Protection Agency (EPA) concerning detections of perfluorooctane sulfonate (PFOS) in the City of Newburgh's water supply. In your letter, you request the EPA to take the necessary steps to list PFOS and its related compounds as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and that EPA begin the process to add the Stewart Airport Air National Guard (ANG) Base to the National Priorities List.

The EPA takes seriously concerns regarding perfluoroalkyl compound contamination, including PFOS. As you know, on May 19, 2016, the EPA established lifetime health advisories for PFOS and perfluorooctanoic acid (PFOA) based on the agency's assessment of the latest peer-reviewed science. In accordance with the Safe Drinking Water Act, we will consider the peer-reviewed health effects assessments supporting these health advisories, along with data from the third Unregulated Contaminant Monitoring Rule, to make a regulatory determination on whether to initiate the process to develop a national primary drinking water regulation. In addition, the EPA will continue to assess the health science on these contaminants.

As you indicate in your letter, the New York State Department of Environmental Conservation (DEC) and New York State Department of Health (DOH) have been involved in taking the necessary steps to address the immediate health risks posed by PFOS contamination in Washington Lake. In addition, on August 12, 2016, the DEC declared the ANG Base a State Superfund site. The DEC has conducted sampling of many areas within the ANG Base and Stewart Airport suspected of containing PFOS contamination, including outfalls, ponds, streams, and Washington Lake. The ANG has also collected some limited samples to verify the State's data. The DEC is negotiating with the Air National Guard regarding additional work necessary to identify the full extent of contamination. Further, DOH has identified for sampling in September the private wells at approximately 80 properties in the area, and the DOH is working to secure access at as many of these properties as possible. In addition, the DOH has sampled two nearby non-municipal community well systems to date, with no PFOS being detected at either system.

At this time, the DEC is the lead regulatory agency that has the responsibility for oversight of the site investigation and cleanup efforts. Unlike in Hoosick Falls, the DEC has not requested that the EPA assess this site for possible inclusion on the National Priorities List. In light of this, and based on the actions undertaken thus far and those planned in the future, the EPA is not considering evaluation of Stewart Airport Air National Guard Base for inclusion on the National Priorities List at this time. Nevertheless, we remain committed to supporting the City of Newburgh and the State of New York as they continue to ensure the protection of the city's drinking water supply and investigate and respond to the release or threat of release of PFOS into the environment. We have also offered to provide assistance to the state, as needed, in the discussions with the Air National Guard.

With respect to the "hazardous substance" issue, CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan provide the EPA with broad authorities to address human health risks from exposures to PFOS, PFOA and related compounds. Even if they are not listed as hazardous substances, such compounds, when released into the environment, would generally fall within the definition of "pollutant or contaminant" in CERCLA Section 101(33). CERCLA Section 104(a)(1) authorizes the EPA and other federal agencies to respond to releases or threatened releases of pollutants or contaminants when the release or potential release may present an imminent and substantial danger to the public health or welfare. Section 104(e) authorizes the agency to obtain information and enter, inspect and sample premises regarding pollutants or contaminants in the same way as for hazardous substances.

If you have further questions, please contact me at (212) 637-5000 or enck.judith@epa.gov, or Walter Mugdan, Director of our Emergency and Response Division, at (212) 637-4390 or mugdan.walter@epa.gov.

EPA looks forward to participating in the public meeting that is taking place in Newburgh on September 19th.

Sincerely,

A handwritten signature in blue ink that reads "Judith A. Enck". The signature is fluid and cursive, with the first name "Judith" being more prominent.

Judith A. Enck
Regional Administrator

cc: Basil Seggos, Commissioner, NYSDEC
Dr. Howard Zucker, Commissioner, NYSDOH